



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Aging and Disability Services Administration

Subject of possible rule making: The department is amending and adopting new rules in:

- Chapter 388-71 WAC, Home and Community Services and Programs
- Chapter 388-112 WAC, Residential Long-term Care Services

Statutes authorizing the agency to adopt rules on this subject:

Chapter 18.20.090 RCW; Chapter 43.20A.710 RCW; Chapter 43.43 RCW; Chapter 74.08.090 RCW; Chapter 70.128.040

Reasons why rules on this subject may be needed and what they might accomplish:

The purpose of the new language in Chapters 388-71 and 388-112 WAC is to implement and clarify the training requirements and the criminal history background check requirements as directed in chapter 74.39A RCW and to revise the implementation effective dates as directed by Initiative 1163. Chapter 74.39A WAC requires training for long-term care workers which includes 75 hours of entry-level training and also requires federal and state criminal history background checks for all long-term care workers. This law increases the basic training hour requirements for long-term care workers from 32 hours to 75 hours and increases their continuing education hour requirement from 10 to 12 hours annually. Initiative 1163, enacted by the people in November 2011, requires implementation of these rules effective beginning January 7, 2012 (unless otherwise specified). Emergency rules were filed to implement the effective dates.

Two additional changes were made based on two other law changes:

- A change was made to WAC 388-112-0075(3) to comply with Section 206 (16) of ESHB 1277 which requires that an adult family home has a qualified caregiver that is on-site whenever a resident is in the adult family home.
- A change was made to WAC 388-71-0517 to implement another state law RCW 74.39A.326 which was enacted in 2009 as Substitute House Bill 2361.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The Department of Health and Washington State Patrol will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Anyone interested should contact the staff person identified below. Contact:

Lorrie Mahar
Home & Community Services
P.O. Box 45600
Olympia, WA 98504-5600
Phone: 360-725-2549 Fax: 360-725-2646
E-mail: lorrie.mahar@dshs.wa.gov

To get information on the time and locations of stakeholder meetings and/or more information on the rule development for the implementation of I-1163, please visit the ADSA web at: www.adsa.dshs.wa.gov/1163.

DATE

February 7, 2012

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

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STATE OF WASHINGTON
FILED

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